



For everyone's safety, in-person public access to this Regular Toho Water Authority Board Meeting will be limited. This meeting will also be available virtually.

The Toho Water Authority (Toho) Board of Supervisors will hold a regular Board meeting at 5 p.m. on Wednesday, October 9, 2024.

Those wishing to request a reservation for in-person attendance at the Board meeting, please email a request to tohoattend@tohowater.com with your name and phone number or contact and leave a message with the Executive Office at (407-944-5130).

Seating shall be subject to approved capacity. In addition to in-person attendance, members of the public may also listen/view this meeting by telephone or virtually through the Internet. Those attending in-person who wish to address the Board must submit a completed Hear the Audience Form. To make public comment or to participate in a public hearing, if any, requires attending the meeting in-person.

Those interested in attending by phone can do so by dialing 1-650-429-3300 then entering the access code: **2631 557 5773**
Instructions to attend via the Internet shall be as set forth below:

When it's time, join your Webex meeting here.

[Join meeting](#)

More ways to join:

Join from the meeting link

<https://tohowater.webex.com/tohowater/j.php?MTID=m0b23c16f0317d577154fb75b7309c9d1>

Join by meeting number

Meeting number (access code): 2631 557 5773

Meeting password: bpZcYpnJ383

Tap to join from a mobile device (attendees only)

[+1-650-429-3300,26315575773##](tel:+1-650-429-3300,26315575773##) Call-in toll number (US/Canada)

Join by phone

+1-650-429-3300 Call-in toll number (US/Canada)

[Global call-in numbers](#)

Join from a video system or application

Dial [26315575773@tohowater.webex.com](tel:26315575773@tohowater.webex.com)

You can also dial 173.243.2.68 and enter your meeting number



Toho Water Board of Supervisors' Meeting

Date and Time: Wednesday, October 9, 2024 at 5:00PM

Board Members and Executive Staff:

Henry Thacker - Chair
Rayelynn Ketchum - Vice Chair
Tom White - Secretary
Skip Stellfox - Supervisor
John McAleenan – Supervisor
Hector Lizasuain – Supervisor
Dave Askew – Supervisor
Cheryl Grieb - Ex-Officio Board Member - Osceola County
Angela Eady - Ex-Officio Board Member - City of Kissimmee
Kolby Urban – Ex-Officio Board Member – City of St. Cloud
Rick Wilson - Ex-Officio Board Member - Polk County
Todd P. Swingle - Executive Director
Anthony Cotter - General Counsel

In accordance with Section 286.0105, Florida Statutes: Any person wishing to appeal any decision made by the Board of Supervisors with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Section 286.26, Florida Statutes: Any person needing assistance to participate in any of these proceedings should contact the office of the Executive Director at 407-944-5130 or via email at tohoattend@tohowater.com prior to the meeting.

1. Meeting called to order:

2. **Moment of Silent Reflection and Pledge of Allegiance:**
3. **Approval of the Agenda:**
4. **Awards and Presentations:**
 - 4A. **NACWA PEAK PERFORMANCE AWARDS RECEIVED BY TOHO'S WATER RECLAIM FACILITIES.**
For Information only, no Action required by the Board. (Cost: None) (K. Rentz)
5. **Public Hearing:**
 - 5A. **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOHOPEKALIGA WATER AUTHORITY ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED IN ALL OR PART OF THE SERVICE AREA OF THE TOHOPEKALIGA WATER AUTHORITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
General Counsel and CEO/Executive Director recommend approval of the attached Notice of Intent Resolution electing and preserving the ability to use the Uniform Method of Collecting Non-Ad Valorem Assessments (tax bill). Staff further requests Board's authorization for the Office of General Counsel to affix the proof of publication to the Resolution upon receipt. (Cost: of advertising by law) (C.Murillo)
6. **Hear the Audience:**
7. **Consent Agenda:**

The Consent Agenda is a technique designed to expedite handling of routine and miscellaneous business of the Board of Supervisors. The Board of Supervisors in one motion may adopt the entire Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, any item may be removed from the Consent Agenda and placed upon the Regular Agenda for debate.

 - 7A. **TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF SEPTEMBER 11, 2024**
Staff recommends the approval of the Board Meeting minutes from September 11, 2024. (Cost: None) (A. Smith)
 - 7B. **APPROVAL FOR THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A LETTER AGREEMENT WITH CREEK RANCH MITIGATION BANK, LLC., FOR THE ACQUISITION OF THE GROUNDWATER ALLOCATION UNDER**

THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT WATER USE PERMIT ASSOCIATED WITH “CREEK RANCH.”

Staff requests authorization for the CEO/Executive Director to negotiate with Creek Ranch to develop and execute an Agreement for Toho to acquire the allocation under SFWMD WUP #53-00290-W consistent with the Agreement deal points provided in this Agenda Memorandum. (Cost: A Reimbursement cost to Creek Ranch of \$77,500, a Cost allocation transferred from Creek Ranch to Toho: Up to \$491,178 (depending on allocation transferred) and a Toho’s consultant fees and permitting cost for WUP Modification of \$50,000 making this Total Request of \$618,178) (M. Doan)

- 7C. **APPROVAL FOR THE CEO/EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF COCOA, EAST CENTRAL FLORIDA SERVICES, INC., ORANGE COUNTY, ORLANDO UTILITIES COMMISSION, AND TOHO WATER AUTHORITY THAT ESTABLISHES A PROCESS FOR AN EAST CENTRAL FLORIDA SERVICES THREE-YEAR AGRICULTURAL USE CONSUMPTIVE USE PERMIT FOR WATER FROM THE TAYLOR CREEK RESERVOIR.**

Staff requests authorization for the CEO/Executive Director to execute the attached Agreement for Process to Issue an Agricultural Use Consumptive Use Permit to East Central Florida Services (Cost: None) (M. Doan)

- 7D. **APPROVAL OF A THIRD AMENDMENT TO THE TOHO WATER AUTHORITY/TAVISTOCK UTILITIES EXTENSION REIMBURSEMENT AGREEMENT FOR DESIGN AND CONSTRUCTION OF JACK BRACK ROAD WATER AND REUSE MAINS INCLUDING \$1,275,000 FUNDING AND A TOHO CONTINGENCY OF \$255,000 FOR A TOTAL NOT-TO-EXCEED FUNDING AUTHORIZATION OF \$1,530,000.**

Staff requests approval of the third amendment and a total not-to-exceed authorization of \$1,530,000.00 Staff further requests authorization for the CEO/Executive Director to execute any such documents, including an amendment four if needed, as necessary to expend the total not-to-exceed Board authorization provided that the total amendment and contingency expenditures remain within the total not-to-exceed amendment and contingency limit approved by the Board. (Cost: A Toho Design cost of \$64,000 and Toho’s Construction cost of \$1,211,000 and a 20% Contingency of \$255,000 making this Total Request of \$1,530,000. (K. Webster)

- 7E. **APPROVAL OF A \$24,787,287.71 LOW BID AND DELEGATION TO THE CEO/EXECUTIVE DIRECTOR AUTHORIZATION TO FINALIZE AND EXECUTE A CONSTRUCTION CONTRACT WITH**

VOGEL BROS BUILDING FOR THE BVL WATER TREATMENT PLANT (WTP) IMPROVEMENT PROJECT (IFB-24-197)

Staff requests approval of the Vogel Bros Building bid and delegation to the CEO/Executive Director authority to finalize and execute a construction contract for a total not-to-exceed authorization of \$24,787,287.71. Staff further requests for the Executive Director/CEO to execute any such documents as necessary to expend the contingency included in the bid provided that the total contract and contingency expenditures remain within the total no-to-exceed contract approved by the Board. (Cost: A low bid cost which includes a 5% contingency of \$1,175,522.25, making this Total Request of \$24,787,287.71) (T. Pang)

7F. DELEGATION TO THE CEO/EXECUTIVE DIRECTOR TO APPROVE THE LOW RESPONSIVE BID AND CONSTRUCTION AGREEMENT FOR THE LS-30 NORTH LAVON AVENUE FORCEMAIN REPLACEMENT AND NORTH EMORY AVENUE GRAVITY SEWER REHABILITATION PROJECT.

Staff requests delegation to the CEO/Executive Director authority to approve a low responsive bid and construction agreement including contingency in consultation with the Board of Supervisors Chair for the construction of 3,125 feet of 12-inch force main at LS-30 and rehabilitation of 1,200 ft of gravity sewer and to provide a staff report to the Board at the scheduled November meeting. (Cost: Construction cost estimate of \$1,147,000 plus estimated contingency of \$115,000 for a total estimate of \$1,262,000.) (A. Kardash)

7G. APPROVAL OF FIFTH AMENDMENT TO THE AGREEMENT WITH NATIONAL METERING SERVICES, INC., FOR THE PROVISION OF METER TRANSMISSION UNIT EXCHANGES AND METER SET INSTALLATIONS AND EXCHANGES (EM-20-065)

Staff recommends that the Board of Supervisors delegate authorization to the Executive Director/CEO to approve and execute the Fifth Amendment and any such documents as are necessary to expend funds up to the total not-to-exceed amount limit approved by the Board. (Cost: An additional \$468,000 for a total not to exceed amount of \$3,313,570 for the duration of the agreement. (M. Mzee)

7H. EXECUTED AND RECORDED DEVELOPER'S SERVICE AGREEMENTS FROM NOVEMBER 1, 2023, THROUGH JULY 31, 2024

No action requested. (Cost: None) (R. Biron)

- 7I. **APPROVAL OF A \$5,432,740 CONSTRUCTION CONTRACT WITH PRIME CONSTRUCTION GROUP, INC. AND A \$543,000 CONSTRUCTION CONTINGENCY FOR THE LIFT STATION 111 SCREENING IMPROVEMENTS PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$5,975,740**
Staff requests approval of the construction contract and contingency for the total not-to-exceed authorization of \$5,975,740. Staff requests authorization for the CEO/Executive Director to execute any such documents as are necessary to expend any contingency provided that the total construction contract and contingency expenditures remain within the total not-to-exceed construction contract and contingency approved by the Board. (Cost: A Bid award of \$5,432,740 and a Contingency of \$543,000 for a Total Request of \$5,975,740. (K. Burgess)
- 7J. **APPROVAL OF CONTRACT AWARD TO FLORIDA ARMATURE WORKS, INC. (FAW) AND TAW ORLANDO SERVICE CENTER, INC. DBA IPS (TAW) AS CONTRACTORS FOR REPAIR SERVICES FOR PUMPS, MOTORS & OTHER EQUIPMENT (RFP-24-123)**
Staff recommends approval of award for RFP-24-123, Repair Services for Pumps, Motors, and Other Equipment, and execution of the agreements and amendments with Florida Armature Works, Inc. and TAW Orlando Service Center, Inc. DBA IPS, for the three-year terms of the agreements. Additionally, staff requests that the Board authorizes the Executive Director to execute contract amendments as needed to manage the services within the total Board approved limit. (Cost: Total cumulative not to exceed \$5,000,000 aggregate for the three-year (3) term between both Contractors.) (J. Cains)
- 7K. **PUBLIC INFORMATION OFFICER (RFP-21-040)**
Staff recommends approval of the Renewed Agreement with Quest Corporation of America for Public Information Officer Services. (Cost: A 2-year Renewal Agreement with a not-to-exceed amount of \$450,000) (Rentz)
- 7L. **APPROVAL OF A \$3,142,903.70 LOW BID CONSTRUCTION CONTRACT AWARD TO INSITUFORM TECHNOLOGIES AND A \$315,000.00 CONSTRUCTION CONTINGENCY FOR THE US 192 - BAMBOO TO MAIN ST. GRAVITY SEWER REPLACEMENT AND REHABILITATION PROJECT FOR A TOTAL AUTHORIZED FUNDING OF \$3,457,903.70. (IFB-24-199)**
Staff requests approval of the construction contract and contingency for a total not-to-exceed authorization of \$3,457,903.70 and staff further requests authorization for the CEO/Executive Director to execute any such documents as are necessary to expend any

contingency provided that the total construction contract and contingency expenditures remain within the total not-to-exceed construction contract and contingency limit approved by the Board. (Cost: A low Bid cost of \$3,142,903.70 and a contingency of \$315,000 making this Total Request of \$3,457,903.70.) (L. Shields)

7M. **APPROVAL OF A \$384,990.51 CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH INSITUFORM TECHNOLOGIES, FOR THE LS-208 GOODMAN ROAD PRIORITY GRAVITY SEWER REHABILITATION PROJECT INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$786,118.83 TO \$1,171,109.34**

Staff requests approval of change order #1 in the amount of \$384,99.51 for a total not-to-exceed authorization of \$1,171,109.34. Staff further requests authorization for the CEO/Executive Director to execute any such documents as are necessary to expend any contingency provided that the total contract and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This Change Order of \$384,990.51 plus a previous Board Authorization contract of 714,118.83 plus a contingency of \$72,000 for a Total Request of \$1,171,109.34. (T. Noyes)

8. **Informational presentations:**

8A. **QUARTERLY FINANCIAL SUMMARY**

For informational purposes only. No action required by the Board. (Cost: None) (T. Villarosa)

8B. **2024 MAJOR PROJECT UPDATE PRESENTATION WILL BE PROVIDED AT THE BOARD MEETING**

For information purposes only. No action required by the Board. (Cost: None) (M. Doan)

9. **Unfinished business:** None

10. **New business:**

10A. **REQUEST TO APPROVE INTERLOCAL AGREEMENT BETWEEN OSCEOLA COUNTY, FLORIDA, THE CITY OF KISSIMMEE, THE CITY OF ST. CLOUD, THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA, KISSIMMEE UTILITY AUTHORITY, AND**

TOHOPEKALIGA WATER AUTHORITY FOR THE INTERGOVERNMENTAL RADIO COMMUNICATIONS SYSTEM

Staff requests approval of the Interlocal Agreement regarding Intergovernmental Communications with Osceola County, Florida, The City of Kissimmee, The City of St. Cloud, The School District of Osceola County, Florida, and Kissimmee Utility Authority. (Cost: None) (J. Hall)

10B. Special District Goals and Reporting

Recommend approval of the goals and objectives as presented in the attachment - "Toho Special District Goals FY25". (Cost: None) (T. Swingle)

11. Staff reports:

11A. COMMUNICATIONS QUARTERLY REPORT FOR JULY-SEPTEMBER 2024

No action is required by the Board. For information only. (M. Grayson)

11B. Lead and Copper Inventory Results

No action is required by the Board. For information only. (N. Cudahy)

12. Comments:

Board Officials
Executive Director
General Counsel

13. Upcoming events:

Intern Pursuit	10/9/2024
Yom Kippur	10/11/2024
City of St. Cloud Fall Festival	10/12/2024
Osceola Arts Lip Sync Battle	10/12/2024
Columbus Day/Indigenous Peoples Day	10/14/2024
Boss's Day	10/16/2024
Imagine a Day Without Water	10/17/2024
Country Thunder	10/18/2024
Help Now Vigil Walk	10/24/2024
Boo on Broadway	10/25/2024
Tohoversary - 21	10/31/2024
Halloween	10/31/2024
Diwali	11/1/2024

Native American Heritage Month	11/1/2024
Pioneer Day	11/2/2024
Great Outdoors Day	11/2/2024
State of Osceola County	11/7/2024
Veterans Day Parade	11/9/2024
Veteran's Day	11/11/2024